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PPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,882	01/30/2004	Sandro Grech	59643.00316	4108
32294 7	7590 08/16/2006	EXAMINER		
SQUIRE, SANDERS & DEMPSEY L.L.P.			SHEDRICK, CHARLES TERRELL	
14TH FLOOR 8000 TOWERS			ART UNIT	PAPER NUMBER
TYSONS COR	TYSONS CORNER, VA 22182		2617	
			DATE MAILED: 08/16/2000	6

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)
10/766,882	GRECH ET AL.
Examiner	Art Unit
Charles Shedrick	2617

The MAILING DATE of this communication appears on the cover sheet with the correspondence address
THE REPLY FILED <u>27 June 2006</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.
1. The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
a) The period for reply expires <u>3 months</u> from the mailing date of the final rejection.
The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).
The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a). AMENDMENTS
3. The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because
(a) They raise new issues that would require further consideration and/or search (see NOTE below);
(b) They raise the issue of new matter (see NOTE below);
(c) They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) They present additional claims without canceling a corresponding number of finally rejected claims.
NOTE: (See 37 CFR 1.116 and 41.33(a)).
1. The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. Applicant's reply has overcome the following rejection(s):
 Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. For purposes of appeal, the proposed amendment(s): a) will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows: Claim(s) allowed:
Claim(s) objected to:
Claim(s) rejected:
Claim(s) withdrawn from consideration:
AFFIDAVIT OR OTHER EVIDENCE
3. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER
11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see attached.
12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).
13.
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LESTER & KINCAID

SUPERVISORY PRIMARY EXAMINER

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 6/27/06 have been fully considered but they are not persuasive.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., carry out both authentication and PDP context while still connected to the first communication network) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Further regarding Applicants argument that Parikh does not teach "simultaneously performing a packet data session establishment procedure with the second network while still being connected to the first network". Examiner notes that the following limitation also reads on (but not limited to):

Perform(ing) (the present participle of the verb perform), packet data establishment (i.e., TCP connections etc.) procedure (a series of **steps** taken to accomplish an end).

Based on the above Parikh reads on the broad limitation above for at least the reason as follows. In order to establish the packet data session (i.e., in some form or another such as a TCP connection) with the other network *the step* of authentication must take place. Therefore, the authentication is included in the "overall" procedure/steps of packet data establishment because without it you cannot connect. Also, since the handoff is seamless (no disruption to ongoing

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internet sessions) and there is no loss of connectivity to the internet, ongoing connections are maintained and new TCP connections (i.e., packet data) can establish themselves.

For the reasons above the rejection is proper.